

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DAWNETTE KATHLEEN GUERRERO,

*Plaintiff,*

vs.

CITY OF SAN ANTONIO, MAYOR RON NIRENBERG, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; SAN ANTONIO POLICE DEPARTMENT, CHIEF WILLIAM MCMANUS, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; DET. GINA MENDEZ, #2015, IN BOTH HER PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; G. MORALES, #2132, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; DET. GEORGE SILVA, #2473, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; SGT. R. CARDENAS, #3306, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; FNU SERRANO, #1741, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; FNU SMARRO, #483, IN BOTH HIS PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITY; NUMEROUS OTHER SAN ANTONIO POLICE OFFICERS, IN BOTH THEIR PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITIES; AND BEXAR COUNTY, TEXAS BY AND THROUGH ITS AGENT THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE JOE GONZALES, IN HIS/THEIR PROFESSIONAL/OFFICIAL AND INDIVIDUAL CAPACITIES;

*Defendants.*

5-23-CV-00032-OLG-RBF

**ORDER**

Before the Court is *pro se* Plaintiff Dawnette Kathleen Guerrero's Motion for Court Order of Abeyance, *see* Dkt. No. 14, requesting relief for deadlines related to Guerrero's Application to Proceed in District Court Without Prepaying Fees or Costs, *see* Dkt. No. 1. The IFP Application was automatically referred for disposition, pursuant to 28 U.S.C. § 636(b) and the October 8, 2019, Standing Order regarding Court Docket Management of Cases Involving Applications to Proceed in Forma Pauperis for the San Antonio Division of the Western District of Texas. Authority to enter the orders contained herein stems from 28 U.S.C. § 636(b)(1)(A).

For the reasons set forth below, Guerrero's Motion, Dkt. No. 14, is **GRANTED**. The deadline for Guerrero to file an Amended Complaint is hereby **STAYED** pending further order of this Court.

On February 23, 2023, the Court granted Guerrero's IFP Application, but also ordered Guerrero to show cause why her proposed complaint should not be dismissed pursuant to 28 U.S.C. § 1915(e). *See* Dkt. No. 4. Guerrero's Response to the Order raised an additional claim of malicious prosecution. *See* Dkt. No. 7. The Court then issued a Report and Recommendation recommending that each of the claims in Guerrero's original proposed complaint be dismissed but permitting Guerrero to file an amended complaint asserting only the claim of malicious prosecution. *See* Dkt. No. 8. The Court gave Guerrero twenty-one days from the date of the Report and Recommendation to file the amended complaint. *Id.* Guerrero timely filed Objections to the Report and Recommendation. *See* Dkt. No. 10. Guerrero now requests an "abeyance" of this case pending the District Court's ruling on the Report and Recommendation.

Having considered the present motion, the Court finds it is appropriate to stay the deadline to file the Amended Complaint pending the District Court's ruling on the Report and

Recommendation. Upon such a ruling from the District Court, this Court will issue a separate order setting forth an appropriate deadline to file any amended complaint that may be required.

**IT IS SO ORDERED.**

SIGNED this 26th day of April, 2023.

A handwritten signature in blue ink, appearing to read 'R.B. Farrer', is written over a horizontal line.

RICHARD B. FARRER  
UNITED STATES MAGISTRATE JUDGE